

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JEFFREY BINNS,	:	Civil No. 07-5317(FLW)
	:	
Plaintiff,	:	ORDER
	:	
v.	:	
	:	
PATROLMAN JOHN DOE, <u>et al.</u> ,	:	
	:	
Defendants.	:	
	:	

This matter having been opened sua sponte by the Honorable Tonianne Bongiovani, U.S.M.J., pursuant to 28 U.S.C. § 636(b)(1), for a Report and Recommendation, Docket Entry No. 11, concluding that Plaintiff Jeffrey Binns' claims should be dismissed without prejudice against all defendants; on August 19, 2008, Magistrate Judge Bongiovani found that Plaintiff's failure to update the Civil Docket with his current contact information since being released from the Middlesex County Adult Correctional Facility on June 20, 2008, along with, inter alia, the fact that an Order of this Court which was sent to Plaintiff's address appearing on the Civil Docket was returned as undeliverable on August 11, 2008, Docket Entry No. 10, warranted dismissal of Plaintiff's claims; and a copy of Magistrate Judge Bongiovani's Report and Recommendation having been sent to Plaintiff's address appearing on the Civil Docket and subsequently returned as undeliverable on August 25, 2008,¹ Docket Entry No. 13; and this Court noting that it is Plaintiff's responsibility to apprise the Court, and through the Court's docket,

¹Even though Local Civil Rule 72.1(c)(2) permits objections to a Magistrate Judge's Report and Recommendations within ten days, Plaintiff has not received copy of the Report and Recommendation due his failure to update his address on the Civil Docket Entry No. 13. Thus, there is no point in waiting for the ten day period for objections to elapse, and in any event, this dismissal for failure to prosecute is without prejudice.

opposing parties, of any change in his address, see L. Civ. R. 10.1; and the Court therefore agreeing with the analysis of Magistrate Judge Bongiovani; and for good cause shown,

IT IS on this 27th day of August, 2008,

ORDERED that the Court approves and adopts the August 19, 2008 Report and Recommendation of the Honorable Tonianne Bongiovani, U.S.M.J., dismissing all of Plaintiff's claims without prejudice; and it is further

ORDERED that a copy of this Order shall be served upon all counsel of record and Plaintiff (to the address listed on the Civil Docket) within seven (7) days of its entry; and it is further

ORDERED that the Clerk of the Court shall mark this case CLOSED.

/s/ Freda L. Wolfson
Freda L. Wolfson, U.S.D.J.